

REMARKS / DISCUSSION OF ISSUES

Claims 14-40 are pending in the application.

The Examiner has reopened prosecution in view of the applicant's Appeal Brief, and has introduced new grounds of rejection.

Claims 26 and 33 are amended herein to recite that the contention-based access is provided to the plurality of terminals in the network. No new matter is added, and the intended scope of the claims is unchanged, because without a plurality of terminals, 'contention' cannot occur.

The Examiner rejects:

claims 26-28, 32-33, 36-37, and 40 under 35 U.S.C. 103(a) over Kanterakis et al. (USP 6,389,056, hereinafter Kanterakis) in view of Suzuki et al. (USP 6,400,752, hereinafter Suzuki); and

claims 29-31 under 35 U.S.C. 103(a) over Kanterakis, Suzuki, and Jung et al. (USP 6,621,807, hereinafter Jung). The applicant respectfully traverse this rejection.

In each of these rejections, the Examiner relies on Kanterakis for disclosing a terminal that includes a transmitter that transmits a request for a channel to be made available for contention-based access, and a receiver that subsequently receives a provision message from the base station indicating the channel that is available for contention-based access, as claimed in claim 26, upon which claims 27-32 and 36 depend. Claim 33, upon which claims 37 and 40 depends, includes similar features.

Suzuki and Jung do not teach submitting and granting requests for contention-based channels, and are not relied upon for these features. Further, Jung specifically teaches sending a request for a contention-free channel.

The Examiner asserts that Kanterakis teaches "a signaling sequence transmitted by at least one terminal to indicate the wish to use a contention channel (access-burst signal, note col. 5, lines 63-67)" (Office action, page 4, lines 3-5). This assertion is incorrect.

Kanterakis' terminal transmits the access-burst signal to request a contention-free channel. Only a terminal that sends an access-burst signal is permitted to subsequently use the channel that is identified by the base station in the corresponding acknowledge signal. After receiving the acknowledge signal from the base station, the terminal transmits its data message, the base station echos back a portion of the received message. If a collision has occurred, the echo'd portion from the base station will not correspond to the transmitted portion from the terminal, and the terminal will know that it did not receive a contention-free channel, and will cease transmissions on this channel (Kanterakis, column 7, lines 2-9). That is, the allocated channel from the base station is intended to be a contention-free channel, and will not be used unless it verified to be contention-free.

The Examiner asserts that Kanerakis' base station transmits the "provision message over a contention channel (common-synchronization channel) to be used by the assigned terminal" (Office action, page 4, lines 9-11). This assertion is also incorrect. As illustrated in Kanerakis' FIG. 6, the base station transmits the acknowledgement (L1 ACK) on the CCCH channel, which is different from the CPCH channel that the terminal uses to transmit its data, once this channel is assigned to the terminal via the acknowledge signal. The CPCH channel is, originally, a contention channel, but the base-station's acknowledgement grants the terminal contention-free access to that channel for transmitting its data.

Because Kanerakis specifically teaches a contention-based channel that is assigned to a terminal for contention-free access upon receipt of an access request signal, which is contrary to the applicant's claimed granting of contention-based access upon receipt of an access request, the applicant respectfully maintains that the rejections of claims 26-33, 36-37, and 40 under 35 U.S.C. 103(a) that relies on Kanerakis for teaching a request for a channel to be made available for contention-based access, and a subsequent provision message indicating the channel that is available to the terminal for contention-based access, are unfounded, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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